

Amendment Dated: September 17, 2003

Reply to Office Action Dated: June 18, 2003

REMARKS

The Examiner is thanked for the thorough review and consideration of the present application. The non-final Office Action dated June 18, 2003 has been received and its contents carefully reviewed.

By this Response, Applicants have amended the title of the invention and Abstract of the Disclosure, and amended claims 4-11, 18-19, 22-23, 32-33, 36, 38, 40 and 42. Claims 1-46 are currently pending, with claims 2, 12-17, 21, 24-26, 28, 30, 31, 34, 35, 37, 39, 41, 43 and 44 being withdrawn from consideration. No new matter has been added. Reconsideration and withdrawal of the objections and rejections in view of the above amendments and the following remarks are requested.

The Office Action objected to the title of the invention as not descriptive and indicative of the invention to which the claims are directed. The Office Action also objected to the Abstract of the Disclosure because the abstract did not clearly state which is new in the art to which the claims pertain. Applicants have amended the title of the invention and the abstract. Accordingly, the objections are overcome.

The Office Action objected to claim 38 as failing to provide proper antecedent basis for the claimed subject matter. Applicants have amended claim 38 to accurately recite the light shielding layer 215a depicted in FIG. 4A. Accordingly, the objection to claim 38 is overcome.

The Office Action objected to claims 4-11, 19, 23, 33, 36, 38, 40 and 42 because the term "a shielding layer" is unclear to the Examiner. Applicants appreciates the Examiner's suggestion and have amended the claims to recite a light shielding layer. Accordingly, the objection is overcome.

The Office Action objected to claim 10 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claim 10 to depend from claim 4. Accordingly, the objection is overcome.

The Office Action objected to claims 32 and 33 because the sequence of forming different elements and layers of the in-plane switching liquid crystal display device is improper.

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Applicants have amended claim 33 to indicate the light shielding layers are formed before the data and common electrodes. Accordingly, the objection is overcome.

In the Office Action , claims 8, 33, 36, 38, 40 and 42 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended the claims to more particularly point out and distinctly claim the subject matter of the invention.

Reconsideration and withdrawal of the rejection of claims 8, 33, 36, 38, 40 and 42 are requested.

Applicants kindly acknowledge that claims 33, 36, 38, 40 and 42 would be allowable if rewritten in independent form and to overcome the objections(s) and/or rejections(s) under 35 U.S.C. § 112, second paragraph. Applicants elect not to rewrite these claims to independent form at this time to allow the Examiner to reconsider the claims in view of the amendments and arguments presented herein.

Claims 1, 3, 4, 7, 10, 11, 18-20, 22-23, 27, 29 and 32 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Japanese Patent No. JP411271810A, issued to Shibahara. Applicants traverse this rejection because Shibahara, from what Applicants can determine from the Abstract and Solution sections, fails to teach or suggest each of the features recited in the claims of the present application. For example, Shibahara fails to teach or suggest an in-plane switching liquid crystal display device and method including at least the following:

“the data electrodes having a first transmittance area and the common electrodes having a second transmittance area, wherein the first transmittance area equals the second transmittance area”, as recited in independent claim 1;

“the data electrodes and common electrodes have a same light transmitting area according to an applied voltage”, as recited in independent claim 18; and

“forming a plurality of data electrodes and common electrodes having an alternating pattern in each of the pixel areas and having a same light transmitting area”, as recited in independent claim 32.

Since Shibahara fails to teach or suggest at least these features of independent claim 1 and its dependent claims 3-11, claim 18 and its dependent claims 19-20, 22-23, 27 and 29, and

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independent claim 32 and its dependent claims 33, 36, 38, 40, 42, 45 and 46, Applicants respectfully submit Shibahara does not anticipate the present invention. Reconsideration and withdrawal of the rejection are requested.

In the Office Action, claims 5-6 and 8-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shibahara in view of U.S. Patent No. 5,162,933, issued to Kakuda et al. (hereafter "Kakuda"). Claims 45 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shibahara in view of a broad statement by the Examiner of what is known in the art. Applicants respectfully traverse each of these rejections. Claims 5-6, 8-9 and 45-46 are dependent claims which depend from independent claims 1 and 32. Applicants have discussed above at least one of the patentable features of claims 1 and 32. By virtue of their dependence from allowable independent claims 1 and 32, rejected dependent claims 5-6, 8-9 and 45-46 also contain the allowable features of claims 1 and 32. Therefore, Applicants respectfully submit neither Shibahara, Kakuda nor the broad statement regarding the status of the art, analyzed alone or in any combination, teach or suggest all the combined features recited in claims 1 and 32 of the present invention. Reconsideration and withdrawal of the rejection are requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If the Examiner deems that a telephone conversation would further the prosecution of this application, the Examiner is invited to call the undersigned at (202) 496-7500.

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If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: September 17, 2003

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